

ORDINANCE NO. 07-315

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ADDING CHAPTER 12.66 TO TITLE 12 OF THE LOS ALTOS MUNICIPAL  
CODE FOR THE PURPOSE OF ADOPTING GREEN BUILDING REGULATIONS

SECTION 1 - FINDINGS: The City Council of the City of Los Altos does hereby ordain as follows:

WHEREAS, as population increases continually raise the demand on natural resources and it is understood that there is a limited supply of energy, materials and services available for the construction of new buildings, both residential and non-residential; and

WHEREAS, the City of Los Altos has previously committed to the philosophy of voluntary "green building" practices to help conserve natural resources through the design and construction process; and

WHEREAS, the City of Los Altos desires to be a leader in the development of a public education and participation program in green building practices; and

WHEREAS, the General Plan of the City of Los Altos identifies within the Conservation and Housing Elements, as well as in several other sections addressing land use and resource conservation, the need for sustainable housing and other buildings; and

WHEREAS, the most effective method of public and private participation is the requirement for mandatory compliance with a responsible compliance methodology that is designed to enhance green building construction techniques without being over-burdensome.

SECTION 2 - CODE AMENDMENT: Now, therefore, be it ordained that the following is added as Chapter 12.66 of Title 12 of the Los Altos Municipal Code:

**Chapter 12.66**  
**Green Building Regulations**

**Sections:**

- 12.66.010 Purpose
- 12.66.020 Definitions
- 12.66.030 Covered Projects
- 12.66.040 Private Building Compliance
- 12.66.050 Public Building Compliance
- 12.66.060 Maintenance of Resources
- 12.66.070 Historic Resources

#### **12.66.010 Purpose.**

The City finds that green building design and construction can have a significant positive effect on energy and resource efficiency and reduce waste and pollution generation. The intent of this chapter is to promote the environmental sustainability of natural resources by efficiently redirecting the use of recyclable materials away from landfills, by encouraging recycled-content materials in construction, and by reducing the energy consumption needs of structures by making use of efficient construction methods.

#### **12.66.020 Definitions.**

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

“Build It Green” means the Build It Green organization. Build It Green is a California professional non-profit membership organization whose mission is to promote healthy, energy and resource-efficient buildings.

“Certified Green Building Rater” means a person or organization determined by the building official to be qualified to perform inspections and provide documentation to assure compliance with the Build It Green program requirements.

“GreenPoint Rated” means the rating system developed by Build It Green.

“LEED” means the Leadership in Energy and Environmental Design program developed by the U.S. Green Building Council. The Green Building Council is a National professional non-profit organization whose mission is to promote buildings that are environmentally responsible.

“LEED Accredited Professional” means a person or organization determined by the building official to be qualified to perform inspections and provide documentation to assure compliance with the U.S. Green Building Council LEED requirements.

#### **12.66.030 Covered Projects.**

This chapter shall apply to the new construction of the following types of buildings:

- A. New single family and multiple family homes.
- B. New commercial, mixed-use, and public and community facility buildings.

For the purposes of this chapter, new construction shall mean an entirely new main building or additions of fifty (50) percent or greater to existing buildings, excluding basements. This chapter shall not apply to accessory structures or to additions of less than fifty (50) percent to existing main buildings.

#### **12.66.040 Private Building Compliance.**

All covered projects shall demonstrate compliance with the following level of green building standards:

- A. Single family and multiple family homes.

1. Prior to issuance of a building permit, the applicant shall submit verification that the home design has been GreenPoint Rated with a minimum score of fifty (50) points.

2. Prior to issuance of a final occupancy inspection, the applicant shall submit verification that the home was built in compliance with the GreenPoint Rated approval.

- B. Commercial, mixed-use, and public and community facility buildings.

1. Prior to issuance of a building permit, the applicant shall submit verification that the building design will be fifteen (15) percent more energy efficient than required by Part 6 of Title 24 of the California Code of Regulations using a State of California adopted performance method, as approved by the State Energy Commission.

2. Prior to issuance of a final occupancy inspection, the applicant shall submit verification that the building was constructed per the approved energy efficiency requirements.

**12.66.050 Public Building Compliance.**

All covered projects shall demonstrate compliance with the following level of green building standards:

A. Public buildings that are less than 7,500 square feet in size.

1. Prior to issuance of a building permit, the City shall verify that the building design will be fifteen (15) percent more energy efficient than required by Part 6 of Title 24 of the California Code of Regulations using a State of California adopted performance method, as approved by the State Energy Commission.

2. Prior to issuance of a final occupancy inspection, the City shall verify that the building was constructed per the approved energy efficiency requirements.

B. Public buildings that are 7,500 square feet in size, or larger.

1. Prior to issuance of a building permit, the City shall verify that the building design has been LEED certified at a minimum silver level.

2. Prior to issuance of a final occupancy inspection, the City verify that the building was constructed in compliance with the LEED certification.

**12.66.060 Maintenance of Resources**

The building official shall maintain a current list of Certified Green Building Raters and LEED Accredited Professionals who are qualified to provide the GreenPoint Rated and LEED certifications, and shall be responsible for administering and implementing the requirements of this chapter.

**12.66.070 Historic Resources**

The historical commission may grant exceptions to these regulations in order to conduct any proposed work necessary to maintain the architectural and historic integrity of a designated historic landmark, a landmark eligible building, or property located within a designated historic district, if the applicant presents clear and convincing evidence demonstrating that implementation of these regulations would harm the architectural and historic integrity of the building. The historical commission shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding.

**SECTION 3 - ENVIRONMENTAL ANALYSIS:** The amended zoning regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there is no possibility that these amendments may have a significant negative effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

**SECTION 4 - CONSTITUTIONALITY:** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 5 - PUBLICATION:** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 6 - EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on October 23, 2007 and was thereafter, at a regular meeting held on November 13, 2007 passed and adopted by the following vote:

Ayes:           PACKARD, CARPENTER, BECKER, COLE

Noes:           NONE

Absent:         CASAS

  
\_\_\_\_\_  
Robert C. Cole, MAYOR

Attest:

  
\_\_\_\_\_  
Susan Kitchens, CITY CLERK